

**EXHIBIT A**

**AFFIDAVIT OF JEFFREY JOCKS**

STATE OF MICHIGAN  
SUPREME COURT

ANGLERS OF THE AUSABLE, INC.,  
a Michigan nonprofit corporation; MAYER  
FAMILY INVESTMENTS, LLC, A  
Michigan limited liability company and  
NANCY A. FORCIER TRUST,

S Ct Docket No 138863, 138864,  
138866

Plaintiffs-Appellants,

COA docket No 279301, 279306,  
280265, 280266 (Consolidated)

v

MICHIGAN DEPARTMENT OF ENVIRONMENTAL  
QUALITY, a department in the Michigan  
Executive Branch, and STEVEN E. CHESTER,  
Director of the Michigan Department of  
Environmental Quality; and MERIT ENERGY  
COMPANY, a Delaware Corporation,

LC Case No. 06-11697-CE(M)  
Hon. Dennis F. Murphy

Defendants-Appellees.

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Scott W. Howard (P52028)  
Jeffrey L. Jocks (P67468)  
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**AFFIDAVIT OF JEFFREY L. JOCKS, ESQ.**

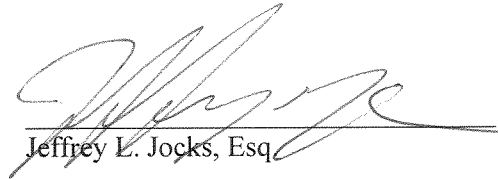
STATE OF MICHIGAN                     )  
  ) ss.  
COUNTY OF GRAND TRAVERSE        )

JEFFREY L. JOCKS, being first duly sworn, deposes and says:

1. I am employed by Olson, Bzdok & Howard PC, as an attorney.
2. As part of my responsibilities with Olson, Bzdok & Howard, I was one of the attorneys handling the *MCWC v. Nestle* file on Remand from the Supreme Court's decision; 269 Mich. App. 25 (2005); 479 Mich 280 (2007).
3. That on remand, MCWC was required to prepare to litigate the factors set forth in the Court of Appeals Reasonable Use Balancing Test, including analysis of the biological impacts and as well, the stage and flow groundwater impacts on our clients use rights, all of which were previously tried and determined by the trial court and Court of Appeals, 269 Mich. App. 25, (2005).
4. From July 25, 2007 to the date of the settlement and consent judgment of this dispute, July 6, 2009, MCWC incurred expert witness costs solely related to the biology of the stream and surrounds and the hydrogeology of the groundwater, aquifer, lakes and streams, relating to an analysis of the Reasonable Use Balancing Test factors in the total amount of \$ 97,340.50, as recorded by our office cost expense records and as incurred by our clients, MCWC, et al.
5. Additionally, and without outlining the costs, MCWC was required to take eight (8) discovery depositions of Nestlé's proposed experts, some by necessity, being done multiple times.
6. Had we proceeded to hearing on this remand matter, those expert expense costs would have been significantly higher given the necessity of expert preparation and required trial testimony.

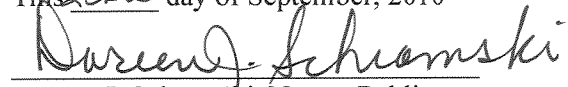
7. The amount stated does not include any form of attorney fees, court reporter fees or other related costs.

Further, Affiant sayeth not.



Jeffrey L. Jocks, Esq.

Subscribed and sworn to before me  
This 23<sup>rd</sup> day of September, 2010



Doreen J. Schramski, Notary Public  
Grand Traverse County, Michigan  
My commission expires: 7/23/2013  
Acting in Grand Traverse County

**EXHIBIT B**

**AFFIDAVIT OF COLLEEN MULLIGAN**

STATE OF MICHIGAN  
SUPREME COURT

ANGLERS OF THE AUSABLE, INC.,  
a Michigan nonprofit corporation; MAYER  
FAMILY INVESTMENTS, LLC, A  
Michigan limited liability company and  
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**AFFIDAVIT OF COLLEEN MULLIGAN**

STATE OF MICHIGAN                     )  
  ) ss.  
COUNTY OF GRAND TRAVERSE)

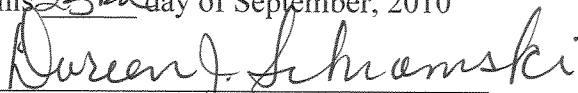
COLLEEN MULLIGAN, being first duly sworn, deposes and says:

1. I am employed by Olson, Bzdok & Howard PC, as its business manager.
2. As part of my responsibilities with Olson, Bzdok & Howard, I am its bookkeeper including being responsible for overseeing billing which includes tracking costs and expert expenses on litigation files.
3. By Opinion dated July 25, 2007 the *MCWC v Nestle* file was remanded from the Michigan Supreme Court for further proceedings consistent with the Court's opinion.
4. From July 25, 2007 to the date of the settlement of this dispute, July 6, 2009, MCWC incurred expert witness costs in the total amount of \$ 97,340.50.

Further, Affiant saith not.

  
COLLEEN MULLIGAN

Subscribed and sworn to before me  
This 23<sup>rd</sup> day of September, 2010

  
Doreen J. Schramski, Notary Public  
Grand Traverse County, Michigan  
My commission expires: 7/23/2013  
Acting in Grand Traverse County

**EXHIBIT C**

**EXCERPTS FROM DEPOSITION TRANSCRIPT  
OF PATRICK ANDERSON**



## 1 STATE OF MICHIGAN

## 2 MECOSTA COUNTY CIRCUIT COURT

3 MICHIGAN CITIZENS FOR WATER

CONSERVATION, a Michigan

4 nonprofit corporation; R.J.

DOYLE AND BARBARA DOYLE,

5 husband and wife; and

JEFFREY R. SAPP AND SHELLY M.

6 SAPP, husband and wife,

7 Plaintiffs,

8 v

File No. 01-14563-CE

9 HON. SUSAN HENNIGAN GRANT

NESTLE WATERS NORTH AMERICA, INC., By Assignment

10 a Delaware corporation; and

DONALD PATRICK BOLLMAN AND NANCY

11 GALE BOLLMAN, husband and wife,

a/k/a Pat Bollman Enterprises,

12 Defendants.

13 /

## 14 DEPOSITION OF PATRICK L. ANDERSON

15 Taken by the Plaintiffs on the 1st day of April, 2009, at

16 6412 Centurion Drive, Lansing, Michigan, at 8:30 a.m.

## 17 APPEARANCES:

18 For the Plaintiffs:

MR. MICHAEL HAYES DETTMER (P12709)

Of Counsel

21 Olson, Bzdok &amp; Howard, PC

420 East Front Street

22 Traverse City, Michigan 49686

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23

24

25

26

1 For the Defendant

MR. DOUGLAS A. DONNELL (P33187)

and

2

MS. JENNIFER A. PUPLAVA (P58949)

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Also Present:

Alex Rosaen

6

7

RECORDED BY:

Diane H. Draugelis, CER 2530

8

Certified Electronic Recorder

Network Reporting Corporation

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1-800-632-2720

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1                   Lansing, Michigan

2                   Wednesday, April 1, 2009 - 8:37 a.m.

3                   (Deposition Exhibits 1 through 6 marked)

4                   MR. DETTMER: This is the noticed deposition of  
5                   Patrick L. Anderson taken pursuant to the Michigan Rules of  
6                   Court.

7                   REPORTER: Do you solemnly swear or affirm that  
8                   the testimony you're about to give will be the whole truth?

9                   MR. ANDERSON: Yes, I do.

10                  PATRICK L. ANDERSON

11                  having been called by the Plaintiffs and sworn:

12                  EXAMINATION

13       BY MR. DETTMER:

14       Q       Sir, would you state your name and business address?

15       A       My name is Patrick L. Anderson, and the business address is  
16               Anderson Economic Group, LLC. That's at 1555 Watertower  
17               Place in East Lansing, Michigan.

18       Q       And you provided your resume as part of the report, and I'm  
19               just wondering that portion dealing with litigation and  
20               litigation support, can you articulate the number of  
21               depositions generally you think you've taken in your career,  
22               litigation related?

23       A       They're in the CV. There's a listing where I've given --  
24               I've noted what reports on which I've given some kind of  
25               testimony under oath, so that's a good indication of the  
26

1 Q That was?

2 A And then after that, we would have said -- we would have  
3 produced an economic impact analysis of the type that we did  
4 here and that would have -- I'm not sure how much detail we  
5 went through in the steps in the -- in this engagement  
6 letter, but we would have said that that included probably  
7 the modeling of the economic activity there, the  
8 construction of a counter factual, what if they didn't  
9 operate in that manner and assessing the economic benefit in  
10 that area and fiscal impact in that area in the manner  
11 described in the book that I authored that describes how to  
12 do this kind of work. And then we would have in all  
13 likelihood gone on to say we'll take that and we'll  
14 summarize that in a report, and we in all likelihood at that  
15 point said all our reports do the following things which  
16 have been very similar to what we say we do on our website;  
17 namely, we would describe the methodology, we'd describe the  
18 data sources. We would summarize it properly since this was  
19 going to be a report that was going to be used as a basis  
20 for expert testimony. We would have likely at that time  
21 said that we'll also include a Curriculum Vitae in a manner  
22 that fulfills the requirements of Rule 26 of the Federal  
23 Rules and any relevant state rule, and we would have listed  
24 the sources that were available at the time. And then we  
25 would have gone on to say that after we finished with that

26

1 report we would appear at deposition or trial to support it.  
2 We would have told them a fee structure. We would have told  
3 them that they needed to pay their bill within a certain  
4 number of days, and then we would have signed it and sent it  
5 to them.

6 Q Okay. What was the bill on this prior to this deposition?  
7 What was the charge to Nestle for this work as you've  
8 outlined?

9 A I don't know exactly how much it was. I know that the -- I  
10 know that the invoice that was sent recently which included  
11 a large chunk of the work was for \$29,000.

12 Q And when you sent the engagement letter, is your fee a not  
13 to exceed kind of fee? When you say it's going to cost "X,"  
14 it's going to cost "X," or does it --

15 A No. We -- for especially for work of this type, as is  
16 consistent with what we say here, we do nothing on a  
17 contingency fee.

18 Q No, I'm sorry. I don't mean the contingency. When you send  
19 the engagement letter, I thought I understood you to say you  
20 would tell the client what it would cost, and I'm just  
21 saying --

22 A Okay. In this particular case, as is the case in almost all  
23 of -- maybe all of the cases where we're experts, we charge  
24 an hourly rate plus direct material costs.

25 Q Okay. So it's the hourly rate?  
26

1 A Uh-huh (affirmative).

2 Q What is your hourly rate?

3 A I think for my work --

4 Q Yes.

5 A -- I think we're charging \$460 an hour.

6 Q All right. And then obviously you have associate and  
7 employee work that has different ranges?

8 A That's right.

9 Q And that's all in this engagement letter?

10 A That's correct.

11 MR. DETTMER: Okay. I'd like to have a copy of  
12 the engagement letter. Thank you, Doug.

13 Q In that engagement letter, going back to Exhibit 2 -- is  
14 that 2? No; 3.

15 A Engaging our services?

16 Q Yes, engaging your services, 3. It talks again about the  
17 quality assurance issues, the methodology, which we'll get  
18 into, and identification of important assumptions.

19 A Uh-huh (affirmative).

20 Q Are the identification of the important assumptions in the  
21 engagement letter or --

22 A Well, the identification of the important assumptions is a  
23 quality assurance step that we take when we do our work, so  
24 the work product would have it.

25 Q So they would be engaged in there? I got you. Thank you.

26

